



02 OCT 2002

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In re Application of
Eric Colin
Application No.: 09/830,096
PCT No.: PCT/IB99/01748
Int. Filing Date: 21 October 1999
Priority Date: 24 October 1998
Attorney Docket No.: 60,130-1064/98UK011
For: Actuator Assembly

COMMUNICATION

This is in response to applicant's "Response To Notification Of Missing Requirements..." filed on 25 May 2001.

BACKGROUND

International application PCT/IB99/01748 was filed on 21 October 1999 and claimed an earliest priority date of 24 October 1998. The International Bureau transmitted a copy of the published international application to the USPTO on 04 May 2000. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Consequently, the 30 month period for payment of the basic national fee in the United States expired as of midnight on 24 April 2001.

On 23 April 2001, applicant filed, *inter alia*, the basic national fee.

On 10 May 2001, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an executed oath or declaration of the inventor in compliance with 37 CFR 1.497 (a) and (b).

On 25 May 2001, applicant filed the instant "Response..."

On 08 July 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the United States for failure to timely reply to the Notification Of Missing Requirements.

DISCUSSION

Review of the record reveals that applicant timely replied to the Notification Of Missing Requirements by filing the instant "Response To Notification Of Missing Requirements..." on 25 May 2001. As such, the Notification of Abandonment mailed on 08 July 2002 was inappropriate and is hereby **VACATED**.

The declaration accompanying the "Response..." is defective in that it is directed

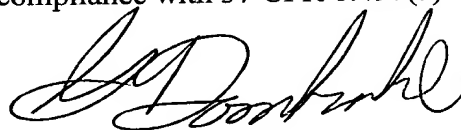
toward application number 09/830,095, rather than instant application number 09/830,096.

Counsel's Deposit Account No. 50-1482 is being charged in the amount of \$130.00 for the surcharge under 37 CFR 1.492(e), as authorized by the instant "Response..."

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Defective Response requiring the filing of an oath or declaration in compliance with 37 CFR 1.497(a) and (b).



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